

E-110, 015/SA-91-333 ORDER CHANGING SERVICE TERRITORY BOUNDARIES

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Don Storm
Thomas Burton
Cynthia A. Kitlinski
Dee Knaak
Norma McKanna

Chair
Commissioner
Commissioner
Commissioner
Commissioner

In the Matter of a Petition of
Dairyland Electric Cooperative,
Inc. and Minnesota Power to
Adjust Their Mutual Service-
Territory Boundary

ISSUE DATE: April 17, 1992

DOCKET NO. E-110, 015/SA-91-333

ORDER CHANGING SERVICE TERRITORY
BOUNDARIES

PROCEDURAL HISTORY

On April 26, 1991, Dairyland Electric Cooperative, Inc. (Dairyland) and Minnesota Power Company (MP) filed a joint petition requesting approval of changes in their mutual service territory boundaries.

On May 14, 1991, the Department of Public Service (the Department) filed its Report of Investigation and Recommendation in this matter.

On November 1, 1991, Dairyland requested that it be allowed to provide notice of the hearing on this matter to all of its current customers through billing inserts and by publishing the notice in local newspapers.

On December 9, 1991, the Commission sent a Notice to the parties stating that it would meet on December 30, 1991 to determine what notice prior to meeting on the merits of the petitioners' boundary change requests would be appropriate.

On December 30, 1991, the Commission decided that it would require individual written notice to be given to customers and landowners affected by the proposed service territory changes and requested Dairyland to file the names and addresses of the affected customers and landowners.

On February 28, 1992, Dairyland filed the requested information.

On March 25, 1992, the Commission sent notice of the Commission's April 7, 1991 meeting on this matter to all potentially affected customers and landowners.

On April 7, 1991, the Commission met to consider this matter.

FINDINGS AND CONCLUSIONS

The petitioners sought Commission approval of three types of items:

First, petitioners sought to clarify the boundary lines on the maps submitted to the Commission in 1974.

Second, MP proposed to transfer two properties near the City of Grand Rapids to the service territory of Dairyland.

Third, the parties requested Commission approval to continue the written agreement whereby Dairyland serves a customer in MP's assigned service area.

Regarding the third request, the arrangement described is authorized by Min. Stat. § 216B.40 (1990) and does not require Commission approval.

The first and second types of changes are governed procedurally by Minn. Stat. § 216B.39, subd. 3 (1990) and will be approved if the Commission finds that they are in the public interest. Minn. Stat. § 216B.39, subd. 3 (1990) provides that such changes may only be approved by the Commission after a hearing that is properly noticed as required by Minn. Stat. §§ 216B.17 and 216B.18 (1990). In this case, the Commission finds that notice as required by the statute was given prior to its April 7, 1992 meeting on this matter.

Regarding the substance of the proposed changes, the Commission notes that the utilities have negotiated and agreed upon these changes. No one's service is affected by these changes and no one objected to the proposed changes either in writing or at the hearing. The Department recommended approval.

In these circumstances, the Commission finds that the proposed changes in service boundaries between the petitioners are in the public interest and will approve them. The Department will be directed to revise the official boundary service area maps to reflect the boundary changes approved herein.

ORDER

1. The service territory boundary changes proposed by Dairyland Electric Cooperative, Inc. and Minnesota Power Company in their joint petition filed April 26, 1991 are approved.
2. The Department of Public Service shall revise the official boundary service area maps to reflect the boundary changes approved herein.
3. This Order shall become effective immediately.

BY ORDER OF THE COMMISSION

Richard R. Lancaster
Executive Secretary

(S E A L)